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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO IL 60606-1080

In re Application of
KOCHER et al.
Application No.: 10/563,793
PCT No.: PCT/US04/21621
Int. Filing Date: 07 July 2004
Priority Date: 16 January 2004
Attorney Docket No.: 44424162-8758-002
For: REPROGRAMMABLE SECURITY FOR
CONTROLLING PIRACY AND ENABLING
INTERACTIVE CONTENT

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Petition to Correct Inventorship", filed on 04 August 2006 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Nathan J. Lawson as inventor in the above referenced application. The requisite \$130 petition fee was paid. The petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 06 January 2006, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 17 April 2006, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date, was required.

On 04 August 2006, applicant filed a request to correct the inventorship, to add Nathan J. Lawson as an inventor. In addition to the \$130 petition fee, Petitioner provided the statement of Nathan J. Lawson in support of the correction of inventorship under 37 CFR 1.497(d) and a declaration executed by the joint inventors.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(I); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s).

Applicants provided a statement, signed by Nathan J. Lawson, stating that "The

inventorship error of failing to include me as an inventor of this U.S. patent application 10/563,793 occurred without any deceptive intention on my part". This statement satisfies item (1) of 37 CFR 1.497(d).

The processing fee of \$130.00 has been paid, satisfying Item (2) above.

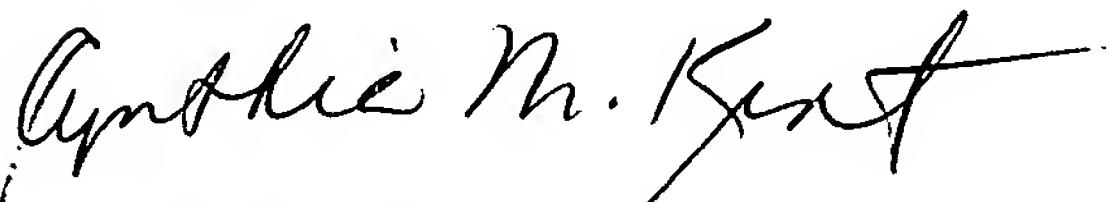
With regard to Item (3), a review of the application file reveals that an assignment of assignors interest was filed with the USPTO on 11 May 2006. Applicant has provided a Written Consent of Cryptography Research, Inc. (assignee) to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Nathan J. Lawson as an inventor in this application. Item (3) above has not yet been satisfied.

Accordingly, applicant has met all of the requirements to add Nathan J. Lawson as co-inventor in the above-identified international application.

CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Nathan J. Lawson as co-inventor is hereby **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (2) and (4) date is **04 August 2006**.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459